

1 PETER P. EDRINGTON, Esq. (074355)  
2 OWEN T. ROONEY, Esq. (127830)  
3 EDRINGTON, SCHIRMER & MURPHY  
4 2300 Contra Costa Boulevard, Suite 450  
5 Pleasant Hill, CA 94523-3936  
6 Telephone: (925) 827-3300  
7 Facsimile: (925) 827-3320

8 Attorneys for Defendants CITY OF PITTSBURG  
9 AARON L. BAKER, G. LOMBARDI, C. SMITH, P. DUMPA,  
10 WILLIAM BLAKE HATCHER

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 FREDERICK JACKSON; A.  
14 JACKSON, a minor; B. JACKSON, a  
15 minor; SHAWNA YVETTE  
16 MARTIN,

17 Plaintiffs,

18 v.

19 CITY OF PITTSBURG; AARON L.  
20 BAKER; individually and in his  
21 Official Capacity as CHIEF OF  
22 POLICE OF THE CITY OF  
23 PITTSBURG POLICE  
24 DEPARTMENT; G. LOMBARDI,  
25 individually and as an Officer of the  
26 CITY OF PITTSBURG POLICE  
27 DEPARTMENT (BADGE #275); C.  
28 SMITH, individually and as an  
Officer of the CITY OF PITTSBURG  
POLICE DEPARTMENT (BADGE  
#285); P. DUMPA, individually and  
as an Officer of the CITY OF  
PITTSBURG POLICE  
DEPARTMENT (BADGE #291);  
WILLIAM BLAKE HATCHER,  
individually and as an Officer of the  
CITY OF PITTSBURG POLICE  
DEPARTMENT (BADGE #274); and  
DOES 1-100, inclusive,

Defendants.

CASE NO.: C09-01016 WHA

**PETITION AND STIPULATION TO  
CONTINUE COMPLETION OF EARLY  
NEUTRAL EVALUATION; AND ORDER**

1 The parties, through their respective attorneys of record, petition the Court for  
2 a continuance of the deadline to complete the Early Neutral Evaluation.

3 This civil rights matter was referred to Early Neutral Evaluation on June 18,  
4 2009 and evaluator Randolph Hall was appointed on July 2, 2009.

5 On May 14, 2009 defendants served written discovery on plaintiffs. Plaintiffs  
6 responded on June 29, 2009.

7 Plaintiffs' counsel advised that there are two witnesses to the subject incident  
8 whose versions are contrary to what is contained in the police report. If the versions  
9 of the two witnesses' are believable, this case may need to be evaluated in a different  
10 light. Before proceeding with the depositions, defendants tried to have these two  
11 witnesses interviewed by an investigator.

12 On August 3, 2009 plaintiff served written discovery on defendants.

13 The depositions of the two witnesses are scheduled for September 17, 2009.

14 The deposition of plaintiff Frederick Jackson is scheduled for September 21,  
15 2009.

16 The parties have been diligently conducting discovery.

17 During the Early Neutral Evaluation telephone conference on August 13, 2009,  
18 these issues were brought to Mr. Hall's attention. Mr. Hall felt this discovery was  
19 pivotal to a proper evaluation of this case and thus, a continuance of the deadline to  
20 complete Early Neutral Evaluation was warranted.

21 The parties request a continuance to November 1, 2009 to complete the Early  
22 Neutral Evaluation.

23 DATED: August 21, 2009

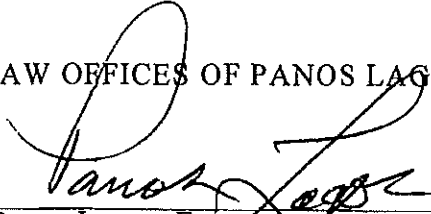
EDRINGTON, SCHIRMER & MURPHY

24  
25  
26 By: 

Owen T. Rooney  
Attorney for Defendants CITY OF  
PITTSBURG et al.

1 Dated: August 20, 2009

LAW OFFICES OF PANOS LAGOS

  
Panos Lagos, Esq.  
Attorneys for Plaintiffs,  
FREDERICK JACKSON, et al.

6 IT IS SO ORDERED

10 Dated: August 21, 2009.

